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August 2, 2021

Honorable Judge Allyne R. Ross
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Express Freight Systems, Inc. v. YMB., Case No. 20-cv-00186 (ARR)(LB)

Honorable Judge Ross:

This firm represents Defendant, YMB Enterprise Inc.

The Defendant's opposition to Plaintiff's motion for summary judgment was duly served upon Defendant pursuant to FRCP 5(b)(2)(E). The rules do not mandate service by email.

Notably, the defendant's opposition to plaintiff's motion for summary judgment is 636 pages, 46-MBs, and over 21 files. And is too large to pass through email servers.

Moreover, the undersigned has not furnished consent for email service.¹ For instance, in contravention of FRCP Plaintiff did not serve a hard-copy of its motion for summary judgment by mail, but rather, without obtaining consent of Defendant, Plaintiff chose to deliver its motion for summary judgment via email, which was only found a week late in the undersigned's spam folder.²

In light of plaintiff's letter dated July 31, 2021 [ECF 82], and the Court's electronic Order dated August 2, 2021, Defendant's opposition to Plaintiff's motion for summary judgment was served again, this day, by personal delivery to the office of Plaintiff's counsel at 2:43 p.m. wherein the Defendant's opposition to Plaintiff's motion for summary judgment was received by Jonathan Ettman.

Respectfully submitted,

/ s / Levi Huebner
Attorneys for YMB Enterprise Inc.

¹ As reflected in the notes regarding FRCP 5, "Electronic transmission is not always instantaneous, and may fail for any of a number of reasons." For the forgoing reasons, Defendant does not consent to service by email.

² Moreover, Plaintiff compounded the confusion, when in contravention of Your Honor's Individual Rules III, Filing of Motion Papers, Plaintiff chose to file its motion for sanctions [ECF 75] via ECF and to deliver a courtesy copy of its motion for sanctions, via email. But of course, not by hard copy.